

### **III. REMARKS**

1. Claims 21-59 remain in the application. Claims 21, 37, 45, 47, 48, 55, and 59 have been amended. Support for the amendment may be found in the specification, for example, on page 4, lines 13-18.

The claim amendments are not limiting, are not made for reasons related to patentability, and do not raise issues of estoppel.

2. Claims 21-59 are patentable over the combination of Luzeski et al. (US 6,430,177, "Luzeski") in view of Parasnis et al. (US 6,728,753, "Parasnis") and Broussard (US 6,269,483).

The combination of Luzeski, Parasnis, and Broussard fails to disclose or suggest using a message server to receive content including a streamable media component and information describing the streamable media component, sending the information describing the streamable media component from the messaging server to a recipient wireless terminal, and forming a streaming session between the messaging server and the recipient wireless terminal, using the information describing the streamable media component, wherein the streamable media component is constructed to be presentable to a recipient while the streamable media component is being transmitted from the messaging server to the recipient wireless terminal, or while a wireless messaging device is receiving the streamable media component, as substantially recited by claims 21, 37, 45, 47, 48, 55, and 59.

2.1 Luzeski fails to disclose or suggest a streamable media component, constructed to be presentable to a recipient while

the streamable media component is being transmitted from a media server to a recipient wireless terminal.

Luzeski is directed to a universal messaging system that provides voice data and fax services to web based clients. In column 20, line 55 through column 21, line 12, Luzeski discloses that the subscriber clicks on a voice or fax message to open it, causing a Logon ID and URL information to be sent to the Session Manager 14 and be passed to the Session Manager 10-5. Then, the session manager gets and sends the voice information in segments to the Web server 14, which passes them to the subscriber PC Web plug-in. Luzeski explicitly states that "After all the segments are received, the plug-in plays the voice data." Thus, according to Luzeski, a plug-in reproduces data in the receiver end only after complete reception of the entire message. After the receiving user has clicked, for example, a voice message to open it, only after all segments of the voice mail have been transferred will the plug-in in the receiving end play back the voice mail.

Therefore, Luzeski does not disclose or suggest "streaming" the streamable media component as described by the claims of the invention, that is, presenting the streamable media component to a recipient while the streamable media component is being transmitted from a messaging server to a recipient wireless terminal, or while a wireless messaging device is receiving the streamable media component.

Luzeski also fails to disclose information describing the streamable media component, sending the information describing the streamable media component from the messaging server to a recipient wireless terminal, and forming a streaming session between the messaging server and the recipient wireless terminal

using the information describing the streamable media component. As argued above, Luzeski fails to disclose or suggest a streamable media component as claimed in the present application, and therefore Luzeski also fails to disclose information describing the streamable media component. In addition, Luzeski cannot disclose or suggest the other features of the claims related to the streamable media component.

2.2 Parasnis fails to disclose or suggest a message server receiving information describing a streamable media component, sending the information describing the streamable media component from the messaging server to a recipient wireless terminal, and forming a streaming session between the messaging server and the recipient wireless terminal using the information describing the streamable media component.

Parasnis is directed to broadcasting a presentation to an online audience over a network using a netmeeting type system with separate audience terminal windows for computer graphics and for a video image of the net presenter. However, Parasnis does not receive information describing a streamable media component at a messaging server, does not send the describing information from the messaging server to a recipient wireless terminal, and does not form a streaming session between the messaging server and the recipient wireless terminal based on the information. Applicant fails to find any disclosure related to these features in Parasnis.

2.3 Broussard describes a method for automatically limiting a video transmission stream based on an audio level.

However, Broussard fails to disclose using a message server to receive content including a streamable media component and

information describing the streamable media component, sending the information describing the streamable media component from the messaging server to a recipient wireless terminal, and forming a streaming session between the messaging server and the recipient wireless terminal, using the information describing the streamable media component, wherein the streamable media component is constructed to be presentable to a recipient while the streamable media component is being transmitted from the messaging server to the recipient wireless terminal.

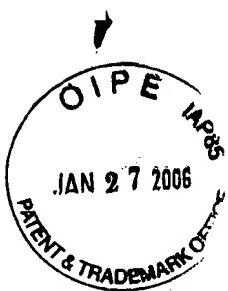
Thus, for all the reasons asserted above, the combination of Luzeski, Parasnis, and Broussard fails to disclose or suggest all the features of Applicant's independent claims.

Therefore, the combination of Luzeski, Parasnis, and Broussard fails to render independent claims 21, 37, 45, 47, 48, 55, and 59, and dependent claims 22-26, 38-44, 46, 49-54, and 56-58 unpatentable.


For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

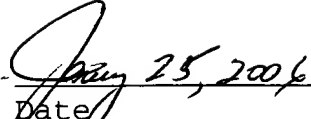
A check in the amount of \$1810.00 is enclosed for a three (3) month extension of time and the RCE fee.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.



Respectfully submitted,

  
Joseph V. Gamberdell Jr.  
Reg. No. 44,695

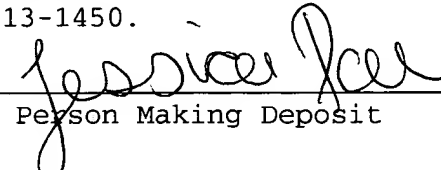
  
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Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

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